

Translation

PATENT COOPERATION TREATY

PCT/JP2003/007885



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FP03-0113-00	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/007885	International filing date (day/month/year) 20 June 2003 (20.06.2003)	Priority date (day/month/year) 24 June 2002 (24.06.2002)
International Patent Classification (IPC) or national classification and IPC A61J 3/07		
Applicant CHUGAI SEIYAKU KABUSHIKI KAISHA		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 20 June 2003 (20.06.2003)	Date of completion of this report 15 March 2004 (15.03.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

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# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/007885

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/ or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/JP 03/07885

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-5, 7-8	YES
	Claims	6	NO
Inventive step (IS)	Claims		YES
	Claims	1-8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

### 2. Citations and explanations

Document 1: JP 2000-325431 A (Freunt Ind. Co., Ltd.), 28 November 2000

Document 2: WO 01/68032 A1 (Stanelco Fiber Optics Ltd.), 20 September 2001

Document 3: EP 90600 A2 (Warner Lambert Company), 5 October 1983

Document 4: WO 92/21311 A1 (GS Technologies, Inc.), 10 December 1992

Claims 1 to 3 and 5

Document 1 (paragraphs [0023] to [0031]; fig. 1 to 4) cited in the international search report sets forth a feature wherein spherical seamless capsules (10) are rendered into a sol state at a heating section (2), before being subjected to treatment at a deformation section (3) and a cooling section (4), to obtain aspherical capsules (10').

Document 2 (page 3, line 20 to page 4, line 21; fig. 1) cited in the international search report sets forth a method for manufacturing capsules, wherein a film in a dry state is deformed.

Document 3 (page 18, lines 27 to 35) cited in the international search report indicates that the best capsules are produced when the moisture range falls within

the range of 0.10 to 0.18.

Document 4 (page 17, lines 20 to 30) cited in the international search report sets forth a technique for drying capsules, wherein heat is provided by means of microwaves.

It would therefore be easy for a person skilled in the art to conceive of applying the invention set forth in documents 2 to 4 to the invention set forth in document 1, to constitute a feature wherein deformation is carried out after drying the seamless capsules (10).

It would therefore be easy for a person skilled in the art to conceive of the invention set forth in claims 1 to 3 and 5 in the light of documents 1 to 4.

#### Claim 4

Having molding carried out as compression molding using a die is merely a design feature.

It would therefore be easy for a person skilled in the art to conceive of the invention set forth in claim 4 in the light of documents 1 to 4.

#### Claim 6

The invention set forth in claim 6 is the same as the invention set forth in document 1.

#### Claims 7 and 8

It would be easy for a person skilled in the art to conceive of the invention set forth in claims 7 and 8 in the light of documents 1 and 4.